

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

DANVILLE DIVISION

FLOSSIE M. CREWS,

Plaintiff

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant

Case No. 4:04cv00068

ORDER

On October 18, 2004, the Court entered an order referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and recommended disposition. The magistrate judge filed his report and recommendation on July 15, 2005. After reviewing the record in this case and no objections having been filed to the magistrate judge's report and recommendation within ten (10) days of its service upon the parties, this Court adopts the magistrate judge's report in its entirety. Accordingly, it is this day ADJUDGED and ORDERED as follows:

1. The report and recommendation of the United States Magistrate Judge, filed July 15, 2005, shall be, and hereby is, **ADOPTED** in its entirety.

2. For the reasons stated in the magistrate judge's report, the commissioner's final decision is **REVERSED** and the case is **REMANDED** for further proceedings at the final sequential level. If the commissioner is unable to grant benefits on the current record, she is to forthwith recommit the case to a law judge to conduct supplemental evidentiary

proceedings in which vocational evidence is to be taken and in which both sides may introduce additional evidence.

3. The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED this 4th day of August, 2005.

s/Jackson L. Kiser
Senior United States District Judge